THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18386 of 2005

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SATURDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Banoth Hemachandar, S/o. Sapru, ST,
R/o. Pandurangapuram, Palvoncha Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam, Khammam District.
2 The Revenue Divisional Officer, Palvoncha, Khammam District.
3 The Mandal Revenue Officer, Palvoncha Mandal, Khammam District.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

Head the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was an authorisee of a fair price shop at Pandurangapuram, Palvoncha mandal, Khammam district. The tenure of his authorization came to an end on 31-03-2004. He did not apply for the renewal, but continued to function. For this reason, a show cause notice was issued to the petitioner by the 2nd respondent herein. The petitioner, however, contends that the show cause notice was not served on him. Be that as it may, on the ground that he failed to submit his explanation in time and that the allegation of running the fair price shop without authorization has been established, the 2nd respondent, by the order dated 16-02-2005 cancelled the authorization of the petitioner. As against the order of cancellation, the petitioner preferred a revision to the 1st respondent, the District Collector, on 21-04-2005 along with an application for interim relief. The complaint of the petitioner is that the 1st respondent has neither disposed of the revision nor the application filed seeking interim relief. The petitioner claims to be a scheduled tribe person and that there is no other fair price shop in the village and, therefore, in the public interest as well as in the interest of the petitioner, there should be an interdiction of the cancellation of authorization of the petitioner.

As the petitioner has already preferred the revisional remedy to the 1st respondent, this court is not inclined to consider the validity of the order of cancellation of authorization passed by the 2nd respondent. This consideration must be by the revisional authority.

In the circumstances, the writ petition is disposed of directing the 1st respondent, to expeditiously and in any event within a period of four (4) weeks from the date of receipt of a copy of this order, consider and dispose of either the appeal or the interlocutory application of the petitioner. The 1st respondent shall record reasons for the decision and communicate the same to the petitioner within the aforesaid time. No costs.

GODA RAGHURMAM, J

Dated: 20-08-2005

Pvks/*

Nb: Furnish c.c. in two days.

B/o pvks